PREVENTION OF APARTHEID IN SPORTS BILL, 1988.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKER): Madam, Deputy Chairman, I beg to move for leave to introduce a Bill to give effect to the International Convention against Apartheid in Sports.

The question was put and the motion was adopted.

SHRI P. SHIV SHANKER: Madam, I introduce the Bill.

MASSAGE FROM THE LOK SABHA

The Appropriation (No. 5) Bill, 1988

SECRETARY-GENERAL: Madam, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (No. 5) Bill, 1988, as passed by Lok Sabha at its sitting held on the 6th December, 1988.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Madam, I lay the Bill on the Table.

RE: BUSINESS OF THE HOUSE

SHRI LAL K. ADVANI (Madhya Pradesh): Madam, Deputy Chairman, I am grateful to you for permitting me to raise this matter which relates to the business of the House. It seems that the Treasury Benches are of the view that the business of the House is to be decided by the Government. This is not the first time that we in this House have felt extremely embarrassed and right up to the end no Member seems to know how long the session is going to last, whether it is to adjourn on a certain day or whether it will be extended. Today happens to be, according to the earlier schedule, the last day of the session and according to my latest information also, perhaps, the last day of the session. I do not know. But I would like to invite the attention of the Government, through you, to what are the rulings in this regard. I have with me "Practice and Procedure of Parliament" by Kaul and Shakdher. It specifically states about fixation of sittings on page 322. This, of course, relates to the Lok Sabha but it has a relevance to the Rajya Sabha I quote:

"After the Speaker has agreed to the suggestion of the Government regarding the duration of a session, the days on which the House is to sit for the transaction of Government and Private Members' business are fixed under the orders of the Speaker. For fixing a sitting of the House the Speaker's power is absolute and the consent of the Government is neither necessary nor sought."

On one occasion Speaker Mavlankar observed, whose centenary we commemorated only a few days back:

"This is irrespective of the consent of the Government and I believe, I have got the power of fixing the sittings from day to day".

I do not want to go into all the details. But over a period of time the Treasury Benches have come to usurp this power of the Chair and of the whole House. The Chair derives this power from the whole House and the Government seems to take it for granted any time right

up to the last day. No one knows. Often, very senior Members of the Treasury Benches and of the Cabinet do not know. A late night sitting of the Cabinet sub-committee is held to decide whether to extend or not to extend. My point, Madam, Deputy Chairman, is that, here is a situation which has been recurring so often, programming of legislative business has been so erratic, so *ad hoc*, so arbitrary that it calls for a severe admonishing from the Chair. It should not be taken for granted. This House cannot be taken for granted. I, as a Member of this House, feel it my duty to say that here the Government seems to think any time we can decide anything. This is not correct. Now, today, I do not know what is going to be done. May be we are told that the House is adjourning today or the session is being extended today. But certainly it inconveniences all our programmes for the future also because this has not happened for the first time. It has been happening repeatedly. I wish Mr. Bhagat were here. Unless there is a strict censure and admonition what is taking place, from the Chair this will go on being repeated. The House should not be taken for granted under any circumstances. Thank you, Madam

SHRI M. S. GURUPADASWAMY: (Karnataka): Just one word.

THE DEPUTY CHAIRMAN: On the same thing.

SHRI M. S. GURUPADASWAMY: Madam, I wholeheartedly support my colleague. I would like to say that it is a very strange experience we had for the last two or three days. There was a hush-hush atmosphere, I find. We are trying to find out whether we are going to sit longer or we are going to adjourn. Madam, you are a witness. You are my neighbour. My difficulty... (*Interruptions*)...

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): What was the hush-hush talk between you and him? (*Interruption*).

SHRI M. S. GURUPADASWAMY: Madam, I try to take advantage of youd neighbourhood and you know that I tried to have some information at least through you. You could not give me information till now. The Chair's rights have been flouted and the Houses have been taken for a ride. Members of Parliament are kept in the dark—all the Members of Parliament, irrespective of political parties, I am saying. This should not be done. I think, the Government owe an explanation why this was done. Why don't they plan their things properly in advance? We have been saying in the Business Advisory Committee that the Government should plan its work properly. We are prepared to cooperate with them but they fail and fail all the time. Why? Is the Government functioning at all? I want to know.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Madam, this House is being treated in a cavalier manner and it should not be treated like this simply because the Government is indecisive about its programmes and policies. We are prepared to sit longer for the Electoral Reforms Bill. We made it very clear from the beginning of this Session. We have repeated it last time that if they are bringing the Bill, we are ready to pass it in this Session itself. But in spite of that, the Government keep it to the last. Even then the Bill is not ready, their discussions are not complete, the Cabinet has not approved it. Why did you not decide earlier to adjourn the Session and have another special Session or something like that? You are keeping us in suspense up to the last day. This is not the way to treat the House and it is repeatedly happening. Even the Presiding Officers are kept in the dark. You do not know, the Chair-

man does not know, the Speaker does not know. This is not the way to treat the House and we strongly protest against the treatment given to the House.

THE DEPUTY CHAIRMAN: Now, what is the point? (*Interruptions*)

SHRI A. G. KULKARNI (Maharashtra): What is the problem? (*Interruptions*).

THE DEPUTY CHAIRMAN: The Minister is replying to the same thing. Mr. M. A. Baby and Mr. Gurudas Das Gupta, just take your seats. The Minister is reacting. Mr. Bhandare, you also want to say something?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Yes, I want to say.

THE DEPUTY CHAIRMAN: Let both sides of the House have their opinion. Let it be just for everybody.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Madam, I am one who has always championed the dignity of this grand forum. I have also said that the House should not be taken for granted. But when this morning I find various echoes, I am reminded that Milady protests too much. I think, they are rather unfair to the Government. All these are unfair to the Government because the Government has its own pressure just as this House has a pressure. This House also has a pressure of business. You may not agree with me. (*Interruptions*).

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): ...that the Presiding Officer cannot know what is going to happen tomorrow. (*Interruptions*)...How can he justify?

THE DEPUTY CHAIRMAN: You had a say and I think, Mr. Bhandare was very kind... (*Interruption*)... Please, just a minute. Listen to me. (*Interruptions*).

SHRI GURUDAS DAS GUPTA (West Bengal): All of us are involved in it. All of us should have a say.

THE DEPUTY CHAIRMAN: Please sit down. Just a minute. When Mr. Advani, Mr. Gurupadaswamy and Mr. Upendra were expressing their views, I think, Mr. Bhandare did not object to them. So, he has a right to express his opinion. If you do not agree with him, you may not agree, but then don't object to his speaking. He has a right to speak as much as you have. So, let him speak. Don't get up. Let him finish. Then I will allow if there is any other opinion about it. Just a minute.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I strongly protest against the expressions like 'the Government deserves strict censure' and 'there was a hush-up atmosphere'. I think all these things are not really adding to the dignity of the House. We must appreciate what the difficulties are. It has never happened that our business does not spill over after the last date in the calendar for the session. Every time it spills over in the ordinary course of things. But I do feel that sufficient notice should also be given to Members to get ready with the Bill and have a very effective debate.

SHRI M. A. BABY (KERALA): It is undemocratic behaviour... (*Interruptions*)...he should be allowed.

SHRI GURUDAS DAS GUPTA: Madam, all should be allowed, not some. (*Interruptions*).

THE DEPUTY CHAIRMAN: You have been represented by two senior Members. Now please listen to the Minister. Then you may speak if

you want. Let us hear his views. If you have any other point, you can make it later. Nobody is stopping you. Now let the Minister speak. Let him give his view-points also. He has a right to do so.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): Madam, Deputy Chairman, I thank you very much for giving me this opportunity to speak at least at this point. I am thankful to the Members for pointing out some of their views and anxieties. They will be certainly anxious to know what is happening. Madam, it was the desire of the House—both the House—especially here, that we should pass the Bill on electoral reforms during this Session itself. The Prime Minister himself came to this House once and said that the Government is committed to this and it is making all-out efforts to make the electoral reforms as agreeable as possible. So all the Members and Leaders of the Opposition were called by the concerned Ministers dealing with this and they had a very extensive discussion on the various aspects of electoral reforms. The Government has drafted the Bill and it has come to the final stage. Madam, I understand that the Lok Sabha is going to discuss this. Probably we may have it after two or three days because the Bill has to come, passed by the Lok Sabha, to our House. I thought we would be able to discuss with the leaders of the Opposition the modalities in the Chamber and come to a conclusion as to on what date we would take it up. I request Opposition leaders to share with us their ideas on whether the House can continue now or whether after two or three davs we will meet again and pass it Let us discuss this matter in the Chamber and arrive at a conclusion.

THE DEPUTY CHAIRMAN: All right? Agreed. When we adjourn for lunch, you are invited to discuss this. (*Interruptions*) Now, Mr. Gurupadaswamy. The Chairman has permitted him to say something.

RE JUDGMENT OF GUWAHATI HIGH COURT ON DISSOLUTION OF NAGALAND ASSEMBLY

SHRI M. S. GURUPADASWAMY (Karnataka): Madam, Deputy Chairman, I would like to raise a very important issue. The issue I refer to is the judgment of the Guwahati High Court on the Presidential proclamation dissolving the Assembly in Nagaland. I would read a brief report published in the 'Indian Express' today. According to the report,

> "The Guwahati High Court pronounced the judgment in the Nagaland Assembly dissolution case on Tuesday holding that the presidential proclamation recommending dissolution of the State Assembly was justiciable.
>
> The Division Bench consisted the Chief Justice A. Raghuvir and Justice B. L. Hansaria."

> "Chief Justice Raghuvir and Justice Hansaria have both found the report of the Governor recommending dissolution of the State Legislative Assembly unacceptable."

In the judgment on two issues the High Court has given its ruling. One is the President's proclamation is justiciable...

SHRI BAHARUL ISLAM (Assam): I have a point of order whether the judgement of a High Court, right or wrong, can be discussed on the floor of the House.

SHRI M. S. GURUPADASWAMY: I am not discussing it at all...